

interview summary ok, CLS, 10/7/10

REMARKS

Applicants thank the Examiner for the interview held on Monday, July 19, 2010. In summary, Applicants discussed the cited Blumenfeld *et al.* reference distinguishing features from the presently claimed invention with the Examiner. No definitive conclusions were reached; however the discussion was appreciated. Claims 1, 8, and 9 are amended and claims 27 – 32 are newly added by the present communication. The subject amendments are supported by the specification, for example, in pages 10-12 (Summary of Invention), and the claims as originally filed. No new matter is introduced by the present amendments. Applicants submit that the amendments place the claims in condition for allowance. Accordingly, entry of the present amendments is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1, 4-12, 15-16, 18-19, 21, and 24-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that there does not appear to be adequate written support for “indirectly linked with a phenotypic attribute” (instant claims 1 and 9) (page 3 of Office Action dated April 20, 2010). Applicants respectfully traverse the Examiner’s assertion.

Applicants respectfully assert that there is adequate support for the rejected language at least on pages 10, 13, 14 of the specification. Specifically, the bottom paragraph of page 13 states the following:

In accordance with the present invention, the preselection of the set of markers is based on genotype/phenotype associations with disease conditions or predispositions for disease conditions. [emphasis added].

Applicants would consider to replace the rejected language with the phrase “based on direct or indirect genotype/phenotype associations with disease conditions or predispositions for disease conditions” to expedite the prosecution of the claimed invention if necessary.